

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: February 18, 1944. The claimant, Edward Bulliard, trading as Evangeline Pepper & Food Products, having admitted the adulteration of the product, judgment of condemnation was entered and the product was ordered released under bond for salvaging of the fit portion under the supervision of the Food and Drug Administration.

6249. Adulteration of molasses residuum. U. S. v. 800 Cases of Molasses Residuum. Default decree of condemnation and destruction. (F. D. C. No. 10052. Sample No. 20674-F.)

LIBEL FILED: June 4, 1943, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 24, 1943, by B. Pierce & Co., from Edgewood, Md.

PRODUCT: 800 cases, each containing 6 1-gallon cans, of molasses residuum, at Cambridge, Mass.

Analysis showed that the product was diluted molasses residuum, containing 0.3 percent cresol. It was described on the freight bill as molasses, and was purchased for the purpose of feeding to pigs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (1), the article contained an added poisonous or deleterious substance, cresol, which might have rendered it injurious to health; and, Section 402 (b) (2), a substance, diluted molasses residuum containing cresol, had been substituted in whole or in part for molasses, which the article was represented to be.

DISPOSITION: July 12, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6250. Misbranding of pancake sirup. U. S. v. 28 Cases of Pancake Sirup. Default decree of condemnation. Product ordered distributed to a public or charitable institution. (F. D. C. No. 11732. Sample No. 20149-F.)

LIBEL FILED: February 2, 1944, District of Rhode Island.

ALLEGED SHIPMENT: On or about December 15, 1943, by the Tri-Western Products Corporation, from Cambridge, Mass.

PRODUCT: 28 cases, each containing 24 bottles, of pancake sirup at Cranston, R. I.

Analysis showed that the product was an artificially colored and artificially flavored sugar solution, containing more water than is contained in sugar sirup. It contained little or no maple sirup.

LABEL, IN PART: (Bottles) "Maple-Tree Farm Brand Pancake Syrup Maple-Tree Farm Products Co. Cambridge, Mass. Made from Pure Cane Sugar Syrup Imitation Maple Flavor 16 Oz."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the words "Maple-Tree," in the brand name and firm name, were misleading as applied to an artificially colored and artificially flavored sugar solution containing little or no maple sirup; and the statement "Made from Pure Cane Sugar Syrup," on the label, was false and misleading since the article contained more water than is contained in pure sugar sirup; Section 403 (c), the article was an imitation of another food, maple sirup, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents, since the article was a liquid and the statement of the quantity of contents was not expressed in terms of liquid measure and in terms of the largest unit; Section 403 (f), the statement "Imitation Maple Flavor" was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use; and, Section 403 (k), the article contained artificial coloring, caramel, and failed to bear labeling stating that fact.

DISPOSITION: February 26, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to public or charitable institutions.